

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-2 and 4-7 are pending in the present application. Claim 3 is canceled; Claims 6 and 7 are newly added; and Claims 1-2, and 4-5 are amended by the present amendment. Support for amended Claims 1-2 and 4-5, and new Claims 6-7 can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the outstanding Official Action, the Title and Abstract were objected to because of minor informalities; Claims 1-5 were objected to under 35 U.S.C. § 112, second paragraph, as indefinite; and Claims 1-5 were rejected under 35 U.S.C. § 102(b) as anticipated by Sasaki (U.S. Patent No. 6,243,136).

As an initial matter, Applicants respectfully request that the Information Disclosure Statement filed September 16, 2005, be considered by the Examiner. A copy of the filed IDS along with the corresponding date-stamped filing receipt is attached herewith for convenience.

In response to the objection to the Title, the Title is amended to recite “Imaging Apparatus, Imaging Method and Recording Medium Capable of Minimizing a Release Time Lag”, and is clearly indicative of the invention to which the claims are directed. Further, the Abstract is amended to remove any legal phraseology, as noted in the outstanding Official Action.

Accordingly, Applicants respectfully request that the objections to the Title and Abstract be withdrawn.

Claims 1-5 were objected to under 35 U.S.C. § 112, second paragraph, as indefinite. Regarding Claims 1 and 4, the Official Action cites the phrase “if a shutter speed for

¹ e.g., specification, Figs. 2, 3 and 4A-4B.

recording a subject is more than a predetermined time”, as indefinite. Also, the Official Action cites the recitation of “said predetermined time” in Claims 2 and 3 as indefinite. In response, Claims 1-2 and 4 are amended to remove the above noted claim language and are amended clearly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 is canceled.

Accordingly, Applicants respectfully request that the rejection of Claims 1-2 and 3-5 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the outstanding Official Action, Claims 1-5 were rejected under 35 U.S.C. § 102(b) as anticipated by Sasaki. Applicants respectfully submit that amended independent Claims 1 and 4 state novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 relates to an imaging apparatus including a charge discharging device configured to discharge charge accumulated in an imaging device for a term and for canceling exposure in the term for discharging the charge. The apparatus also includes a mechanical shutter device configured to shield light, and a control device for controlling the discharging term for discharging the charge and a shielding timing of the mechanical shutter device.

Further, amended Claim 1 recites, *inter alia*,

wherein the control device includes a computing device for measuring a brightness of a subject and computing an exposure time for recording the subject from the measured brightness, and ***comparing the computed exposure time with an image recording term of one frame, if the computed exposure time is shorter than the image recording term of one frame, the discharging term is shortened and the shielding timing is hastened under the control of the control device.***

Amended independent Claim 4 recites substantially similar features. According the arguments presented below are applicable to both of Claims 1 and 4.

As described in an exemplary, non-limiting embodiment at Figs. 2C and 3 of the present specification, a computing device (e.g., CPU block 104-3) computes a recording exposure time from a brightness of a subject imaged on a CCD, which is a solid-state image-sensing device. The computing device then compares the computed exposure time with an image recording term of one frame, and if the computed exposure time is shorter than the image recording term of one frame, a discharge term for discharging charge accumulated in an image device will be shortened and a shielding timing of a mechanical shutter device will be hastened under the control of a control device (e.g., CCD 104-3). Thus, the time from the release shutter button is pressed until an actual exposure is initiated is reduced.

Turning to the applied reference, Sasaki describes an image input device and image input system which controls timings of successive imaging operations. In rejecting the features of original Claim 1, the Official Action cites, *inter alia*, col. 9, line 45-col. 10, line 37. This cited portion of Sasaki describes a method for high-speed successive operations in which an initial exposure is obtained by adding an aperture value to an exposure value. A photometric value is then obtained by the imaging element (23), and an exposure time correction value delta T is obtained based on the photometric value. This exposure time correction value (delta T) is then used in conjunction with the aperture value and exposure value to determine an “automatic exposure.”

However, Sasaki fails to teach or suggest ***comparing the computed exposure time with an image recording term of one frame, if the computed exposure time is shorter than the image recording term of one frame, the discharging term is shortened and the shielding timing is hastened under the control of the control device***, as recited in amended independent Claim 1.

In contrast, as discussed above, the “delta T” value in Sasaki corresponds to a “exposure time correction value”, which helps determine the amount of time that the shutter

remains open (e.g., time of exposure). Alternatively, as discussed above, amended independent Claims 1 and 4 are directed to *hastening the shielding timing*, which occurs before any exposure time is actually considered. Thus, no correction is made to the exposure time, but instead the discharging term for the discharging the charge is to be shortened to reduce a time until an actual exposure is initiated, after a release shutter button is pressed.

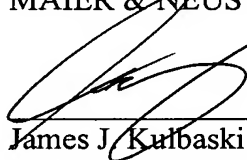
Therefore, Sasaki fails to teach or suggest, whatsoever, *comparing the computed exposure time with an image recording term of one frame, and if the computed exposure time is shorter than the image recording term of one frame, the discharging term is shortened and the shielding timing is hastened under the control of the control device*, as recited in amended Claim 1.

Accordingly, Applicants respectfully request that the rejection of independent Claim 1 (and the claims that depend therefrom) under 35 U.S.C. § 102(b) be withdrawn. For substantially similar reasons, is it also submitted that independent Claim 4 (and the claims that depend therefrom) patentably define over the applied references.

Consequently, in view of the present amendment, and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-2 and 4-7 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Registration No. 34,648
Attorney of Record

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Andrew T. Harry
Registration No. 56,959
Attorney of Record